

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION

**NORTH CAROLINA CHILD CARE COMMISSION
2012-13 SECOND QUARTER MEETING MINUTES**

November 7, 2012
319 Chapanoke Road, Suite 120
Raleigh, NC
Conference Room 300

Child Care Commission Meeting Minutes
November 7, 2012

Commission Members Present

Julia Baker Jones	Angela Beacham
Kevin Campbell	Kathryn S. Clark, Ph.D.
Sue Creech	April Duvall
Elizabeth Gilleland	Norma Honeycutt
Robin Kegerise	Vicki Narron-Warren
Janice Price	Richard Rairigh
Michael Smith, M.D.	William Walton, III
Glenda Weinert	

Commission Members with an Excused Absence

Maureen Hardin	Laurie Morin
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Division of Child Development & Early Education Staff Present

Deborah Cassidy, Division Director	Dedra Alston, Program & Policy
Anna Carter, Division Deputy Director	Kamiran McKoy, Program & Policy
Jani Kozlowski, Program & Policy	Olga Aguilar, Program & Policy
Mary Lee Porterfield, Program & Policy	Karen Ferguson, Program & Policy
Tammy Barnes, Regulatory Services	Lorie Pugh, Regulatory Services,
Laura Hewitt, Regulatory Services	Alexi Gruber, Dept. of Justice
Jinx Kenan, Regulatory Services	Jennifer Lawrence, Intake
Melynda Swindells, Criminal Records	Patricia Andrews, Criminal Records
Gwen Brown, Licensing Enforcement	Cindy Wheeler, EESLPD
Sylvia Thomasson, Subsidy Services	Andrea Lewis, Regulatory Services
Deanna Hoxworth, Regulatory Services	Melissa Stevenson, Regulatory Services
Kathy Shepherd, Workforce Standards	Sarah Buckner, Regulatory Services
Tammy Tanner, Regulatory Services	Barbie Anderson, Regulatory Services
Lisa Lyons, Regulatory Services	Linda Smith, Regulatory Services
Kim Miller, Subsidy Services	

CALL TO ORDER

Chairperson Julia Baker Jones called the meeting to order and reviewed house keeping. After the Child Care Commission reviewed their meeting materials, Ms. Baker Jones

asked the Commission members to review their demographic information. The Statement of Economic Interest was reviewed regarding Commission member Elizabeth Gilleland. There was no conflict of interest or potential for conflict of interest.

Ms. Baker Jones then reviewed the agenda. There were no questions from the Child Care Commission members regarding the agenda. Ms. Baker Jones discussed with Commission members how they can be an effective team. She shared her ideas about the Purpose (Why), the How and the What of the Commission's work and asked Commission members to consider these, discuss them, and come to an agreement. She discussed shared purposes to ensure that the children of North Carolina have access to care that supports their physical, emotional, social, and intellectual well being. This can be achieved by hearing the perspectives of diverse Commission members and stakeholders, having dialogue with the public and DCDEE. Issues of quality, safety and "doability" must be weighed in to the dialogue. Ideas need to be refined and used to develop/create rules that support the Child Care Commission's purpose. The Commission members had small group discussions, suggested additional and alternate wording, and then came to consensus on the Purpose statement. [see attached chart documenting the Commissioners' discussion and consensus.]

Chairperson Baker Jones asked if there are other things the Child Care Commission can do to hear from everyone more efficiently. A concern was how to obtain childcare provider feedback. There is not any time designated to communicate with Commission members after Public Comment. According to Attorney Alexi Gruber, there are no rules for Public Comment and some commissions do not hold a Public Comment segment. Commissioners agreed that they also need to find ways to get work done between the quarterly meetings to manage the amount of work that has to be done.

Commission Action: Ms. Janice Price moved to approve the September 17, 2012 meeting minutes. Ms. Gilleland seconded. On page five, third paragraph, "...that will there will..." was replaced with "...in which there will...". Chairperson Julia Baker Jones called for a vote. The motion carried unanimously.

Division of Child Development & Early Education Report-Dr. Deborah Cassidy

Governor Beverly Perdue signed Executive Order 128 to expand the NC Pre-K program. This is the order that upheld Judge Manning's ruling that all at-risk children have the right to educational services to help them be successful when they start kindergarten. Judge Manning's ruling has been upheld by the Court of Appeals. The additional \$20 million came from within the Department of Health and Human Service's budget (DHHS) and is now available for the expansion. These dollars will come from programs where money had not been fully expended at the end of the fiscal year and that using these dollars for NC Pre-K would not impact any services being provided to other populations served by DHHS. DCDEE is working with contractors to determine how

those dollars will be allocated to counties. It is anticipated that over 5,000 children may be served with the available funding. The Legislature will determine if additional funding will be provided on a recurring basis for NC Pre-K or if this expansion is a one-time occurrence. A question was asked about the NC Pre-K attendance policy. The attendance policy will be changed so that if the child attends 50% of operating days, the center will get 100% of funding for that child. If the child attends 25% of the operating days, the center will get 50% of funding. According to a Commission member, if a child does not attend the program enough to benefit from NC Pre-K, they can be terminated and replaced by another qualifying child. In November the new attendance policy will be in the system.

Many family child care homes have gone out of business since 2004. The question was asked if the economic climate is the reason for this, rather than the new rules that have been implemented. Out of a total of 277 One & Two Star centers, 208 centers are actively working with consultants to transition to higher stars. Out of a total of 1,068 One & Two Star family child care homes, 584 homes are actively working with consultants to transition to higher stars.

The NC Pre-K programs in public schools are moving forward in getting licensed. EESLPD works with the NC Pre-K program to help teachers get and maintain their B-K license; since 2007 there has been a remarkable increase in teachers being served by the unit. The Workforce Standards Section has been catching up and is at five to six weeks turnaround time for evaluating transcripts. According to Subsidy, there are over 45,000 children on the waiting list. Seventeen million subsidy dollars were cut by the Legislature this state fiscal year. At this time we know of five counties that are terminating services to children (1,200-1,300 children). SEEK is still under development. By next fall all counties will be implementing both Phase One and Phase Two of SEEK.

The Regulatory update was passed out to the Commission members. License Fee payments are due November 30, 2012. DCDEE will be participating in a Crib Pilot Program with the U.S. CPSC along with seven other states. Two federal inspectors will visit ten sites to collect data around monitoring crib standards. They will use the information to develop a strategy for monitoring the federal crib standards in 2013. These visits will occur in October and November in Wake, Johnston and Forsyth Counties. Federal investigators will coordinate visits with DCDEE staff Jeff Gaster, Lora Bedford, and Lela Cross and will accompany Licensing Consultants from these areas on annual compliance visits.

Rulemaking Discussion

Criminal Records Check-Melinda Swindells (.2701, .2702, .2703, .2704, .0302 & .1702)

Criminal Records worked with the Regulatory Section to make suggested changes based on the comments from Commission members at the September meeting. They combined rules .2703 and .2704 into .2703. In rule .2703, page five, Paragraph (d), "operator" is defined. This was also done in Paragraph (e). On page six, Paragraph (k) "... by the Division to notify the owner, operator or director of such charges have 5 business days

before returning to work, whichever comes first” was to be included. Also “The owner, operator or director shall notify the Division of any such pending charges, indictments or convictions within one business day of being notified.” On page seven, Paragraph (o), the words “Any individuals over 15 years old who move into the household...” was deleted. Also in line 18 the words “...of moving into the home or their 16th birthday.” was deleted as well. Rules .2704, .1702 and .0302 will also be published to accept comments.

Commission Action:

Ms. Norma Honeycutt moved to publish Section .2700, .0302 and .1702 with the aforementioned changes. Ms. Angela Beacham seconded. A conference call was recommended to adopt the fiscal note for Section .2700, .0302 and .1702 in order to schedule a Public Hearing in May 2013. The Commission questioned clarification on page five, line 32 Paragraph (e). According to Attorney Alexi Gruber, this is referencing the statute, N.C.G.S. § 110-90.2. There being no further discussion, Ms. Baker Jones called for a vote. The motion carried unanimously.

NC Pre-K Rules-Jani Kozlowski (.3004, .3007 & .3008)

In September, the Commission adopted all of the NC Pre-K rules that were submitted to the Rules Review Commission (RRC). All became effective November 1, 2012, except for three rules. In rule .3004, line four, there was a concern from the RRC about using the word “communications”. This word typically includes all kinds of communication. The recommendation was to take “communications” out. A Commission member asked if there has to be a rule regarding religious affiliations. According to Ms. Gruber, the rule was part of the More at Four policies and was put into place because the State cannot be seen to promote religion through state-funded education. Clarification was needed regarding the word “promote.” Ms. Gruber explained that this is a legal term of art used in court opinions regarding the constitutionality of state-funded religious education.

Commission Action:

Ms. Sue Creech moved to adopt Rules .3004, .3007 and .3008 as amended. Ms. Price seconded. There being no further discussion, Ms. Baker Jones called for a vote. The motion carried unanimously.

Meeting Breaks for lunch at 12:00 p.m. & resumed at 1:01 p.m.
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Public Comment

Chairperson Baker Jones clarified that anyone speaking during Public Comment and requesting action by the Child Care Commission would need to submit their request to the Commission in writing.

The first speaker was Linda Piper, the Executive Director of the NC Licensed Child Care Association. Her organization's purpose is to share information with providers who inquire about the rules discussed by the Child Care Commission. She is excited about this new Child Care Commission because they seem to be engaged and not afraid to ask questions; she appreciates their commitment and the direction they provide. Ms. Piper thanked Ms. Norma Honeycutt for attending her association's conference held on a Saturday and the efforts of Ms. Glenda Weinert and Ms. Vicki Narron-Warren for their attempts to attend this meeting. She thanked the entire Commission for the work they are doing and if they need any resource information, to let her know.

The second speaker was Linda Hindman, the program manager with Orange County Partnership for Children. She suggested discussions with Pre-K committees in each county to learn about their differences and unique needs; advisory boards are a good source for local issues. The priority NC Pre-K focus in Orange County is on children who have never been served. Without the participation of the public schools in Orange County, there would be less opportunity to serve children in NC Pre-K because they have had difficulty getting private child care centers involved.

The Child Care Commission members asked about the NC Pre-K Advisory Committee: how often it meets, whether minutes are taken, and requested the minutes to be captured on a website or submitted to the Child Care Commission as well, so they can be informed of what is discussed during NC Pre-K Advisory Committee meetings.

Mallard Creek Learning Center Letter

A letter from Ms. Jacqueline D. Williams of Mallard Creek Learning Center to the Child Care Commission was discussed. Commission members inquired about the CRC appeal process, and were told it has been sent to Ms. Welch. Ms. Gruber stated that if there is a disqualification, the individual has 60 days to appeal in the district court of the county where they are located. The standards for criminal record disqualifications are set forth in statute. There is a list of offenses that can result in disqualification, in addition to certain things that will automatically disqualify an individual. DCDEE has not received a petition for an appeal from the individual at Mallard Creek. There are approximately 15 days remaining to appeal this case. The disqualified individual has to submit an appeal, not the operator.

Waxhaw Child Development Center Letter

A letter from Jessica Lynn Kelly of Waxhaw Child Development Center to the Child Care Commission indicated her opinion that the ratio in a classroom of older twos is too high. The Commission agreed to send a letter stating their appreciation for her time in expressing these thoughts, and indicating that ratios for the older twos age group will be discussed in their future meetings.

Commissioners requested that any letters addressed to the Child Care Commission be scanned, converted to PDF and forwarded to them immediately. Ms. Kozlowski

provided the Child Care Commission with the protocol that they agreed on last June regarding responses to correspondence.

Discussion about how to obtain child care provider feedback

Ms. Baker Jones opened the floor for a discussion with the public about how best to hear their concerns and get their input to the Child Care Commission. A variety of ideas and points were made. Setting up quarterly webinars was recommended for people across the state to share information with the Child Care Commission. Years ago when Child Care Commission meetings were held in Asheville and Charlotte, they were well attended. DCDEE stated that cost is a significant barrier to holding meetings away from Raleigh. It was asked if a subset of Commission members could hold regional forums for information sharing sessions without making decisions. Ms. Gruber stated she would need to get more specifics to give a legal opinion about whether these forums would comply with the requirements of the open meetings statute. People who attend Child Care Commission meetings should be able to have input during the meetings. It was asked whether information that the Child Care Commission members will be discussing could be posted in advance on the website for others to review (agenda, meeting materials). The Commission would like to receive minutes in draft form within the week or month of the meeting. This would make their “to do” list visible. Posting key points (action items) from each meeting would give the public an understanding of the Commission’s business. A Facebook page is a way to share their business and promote public feedback. Commissioners should seek input in advance of meetings on the topics they know will be on the agenda.

DCDEE Response

Deputy Director Anna Carter stated that DCDEE cannot make a promise to meet these goals, because there is not a specific person or committee to devote to the work that would need to occur to get these requested items out within the timeframe that is being recommended. Clarification needs to be given on whether the suggested webinars include dialogue or just for people to listen. Cost needs to be considered in making a decision on these recommendations. These ideas need to also benefit the providers, not just the Commission. Consider next steps for these ideas in the next Commission meeting, keeping in mind all who should be considered such as parents and organizations like NAEYC, stakeholders, etc.

Nutrition Rules-Jani Kozlowski (.0901, .0902, .1702, .1706 & .1718)

The Nutrition Rule changes were prompted by the Child Obesity Task Force recommendations, and legislation that charged the Commission to consider these rules. The Nutrition Rules were adopted in September and were subsequently submitted to the Rules Review Commission (RRC). The RRC had a few recommended changes. On page one, line 19 through 21 “opt out” language was developed. The issue RRC identified was that the language was not specific enough and suggested alternate language. Page six has the same “opt out” language on lines 31-34. The RRC had a concern about language on page seven, lines 21 and 22 that specifies that infants shall not be served juice in a bottle without a prescription on file. A particular member of the RRC felt that the “opt out” position was not applicable to Paragraph (j). According to Ms. Gruber, the rules are based

on the amendment to the law. The RRC's role is to determine if the Child Care Commission is acting within their statutory mandate. Ms. Gruber suggested that the Child Care Commission make a decision that they believe is appropriate and submit to the RRC for a response. There was a concern about what parents are allowed to bring for the children based on what is written on a prescription versus the specificities a doctor writes at the parents' request. Ms. Baker Jones asked the Commission if any felt that a change needed to be made. Ms. Gruber stated she agreed with the RRC that "opt out" language needs to be defined in detail. The choice that this leaves for parents is either to agree or disagree with the "opt out" decisions. Ms. Baker Jones asked for ideas on how to craft the "opt out" language. From the physician's standpoint, Dr. Michael Smith stated that if this only happens at school and not at home, it is not enough nutrition for the child's benefit. There needs to be guidelines for parents who are all in or all out of the "opt out" choice. The statute states that if a parent "opts out" and the parent provides food, a provider cannot give the child food, but if a parent "opts out" and does not bring food, then the provider can provide a well balanced meal. The statute allows parents to "opt out" in one or the other or both as far as supplemental foods, etc. If a parent "opts out" they are opting out of the entire supplemental food program that the center will not provide food or drink to the child so long as the parents of the child or guardian provides all meals, snacks and beverages scheduled to be served at the centers' designated time.

Commission Action:

Mr. Richard Rairigh moved to accept changes made to line 22 on page one and after the word "home" on page six line 34 to read "...opting out means that the center will not provide any food or drink so long as the child's parent or guardian provides all meals and snack scheduled to be served at the center's designated times." "The child care provider will provide only the following beverages..." to replace line 26 on page one and lines 26 and 27 on page seven. The Commission members stated that they specifically did not want to make juice available in bottles. The Commission noted that the prohibition was not against juice specifically, but against using the bottle as a delivery method. The Commission noted that there was an increase risk of dental cavities when juice is fed to children in bottles. Mr. Kevin Campbell seconded. There being no further discussion, Ms. Baker Jones called for a vote. Fourteen Commission members were in favor and one member abstained. The motion carried.

QRIS Advisory Committee Executive Summary- Dr. Edna Collins

Dr. Edna Collins is the project coordinator for the Validation Study funded by the Early Learning Challenge grant. The Validation Study will study some of the major process recommendations from the QRIS Advisory Committee. The validation study will not cover all recommendations. Dr. Collins reviewed some of the process recommendations in the Validation Study. For example, the study will evaluate centers at a particular Star Level to see how they earn their points and determine what the implications are to get to a new Level in a revised system. They will examine what current rules could be a part of future levels. The framework from the QRIS Advisory Committee was for there to be blocks at Levels 1, 3 and 5 where everything has to be met to achieve a Star rating. The Study will examine the impact on providers and other early education systems. For example, are there financial impacts for parents and providers that need to be considered? How would programs be distributed across the new levels and how many programs would change levels? The information that is gathered will inform decisions about blocks, points, specializations weighting and where to set the levels of requirements. The study will test the proposed revisions using existing data and additional data gathered from programs. This study will be a multi-step process that assesses the degree to which design decisions about program quality standards and measurement strategies are resulting in accurate and meaningful ratings. The scope of work for the Validation Study is to assess the potential impact of the revised TQRIS on the distribution of program ratings, identify quality features that distinguish between programs at the upper ranges of quality, determine if differences in quality ratings are associated with the children's progress, document program features most closely associated with these differences, etc. DCDEE is responsible for the preparation work for the Validation Study. This includes determining how programs meet current requirements, mapping current licensing/QRIS requirements onto the recommended structure for the revised QRIS, mapping individual recommendations onto proposed structure, identify gaps, considering different options for weighting, "cut scores" and "combining rules", identifying possible areas for specialization in Programs of Distinction and organizing relevant existing data.

In Phase One of the Validation Study the contractor will survey stakeholders, develop alternative models for revised TQRIS, test and evaluate alternative models and select a model for further validation. The target date for completion is September 2013.

In Phase Two of the Validation Study the possible "Block" Levels are validated, quality features that distinguish programs at higher levels of quality will be identified, there will be testing of reliability and validity of new components, there will be adjustments made based on results, a Pilot Study of a revised TQRIS to be tested and final adjustments will be made based on results. The timeframe for phase two is Fall 2013 through December 2015.

Dr. Collins asked the Child Care Commission how they would like to be involved in the input. Dr. Collins sees the necessity of the Child Care Commission's input throughout the entire process.

QRIS Advisory Rules for Immediate Consideration-Jani Kozlowski/Dr. Deborah Cassidy

Ms. Kozlowski discussed several areas that had been identified by the Advisory Committee as possible items for more immediate consideration by the Child Care Commission. Items that had been identified were related to training on Emergency Preparedness & Response (#2), having an emergency preparedness and response plan for each facility (#3), enough light in room to observe infants breathing (#4), deletion of temperatures being taken rectally (#5), not allowing drivers in centers and family child care homes to use cell phones when driving (#10) and child care facilities maintaining first aid and emergency supplies in each location (#11). These items should be top priority subjects. The requirement of Criminal Record Checks (#1), Emergency Preparedness & Response (#2), child care facilities maintaining first aid and emergency supplies in each location (#11) and having an emergency preparedness and response plan for each facility (#3) will be discussed at the next meeting. Rules pertaining to enough light in a room to observe infants breathing (#4), deletion of temperatures being taken rectally (#5) and not allowing staff in centers and family child center to use cell phones when driving (#10) will also be discussed. Statistics related to health and safety with the use of glitter, magnets and projectile toys for preschool children will be brought by Dr. Smith for the next Child Care Commission meeting.

Emergency Preparedness and Response Rules-Laura Hewitt

The Emergency Preparedness and Response (EPR) Rules were presented in May by Laura Hewitt and Jackie Quirk. Ms. Quirk drafted these based on the Caring for Our Children 2008 standards. Recommended rules include EPR training (.0607(a); .1705(b)(6)), EPR plan (.0607(d); .1705(b)(7)), training staff on EPR plan (.0607(b); .1705(b)(6)), specific fire drill requirement (.0604(2); .1720(a)(11)) and conducting four additional EPR drills annually (.0604(2); .1720(a)(11)). Based on the Commission's discussion and some concerns, the language of these rules will be revised and brought back for discussion at the next meeting.

Parking Lot

Chairperson Baker Jones suggested the Commission utilize a "parking lot" approach to issues arising during discussion that don't necessarily relate directly to the discussions, but that the Commission should address. Items not addressed fully during the Commission's agenda topics will be noted and saved for later discussion. The Parking Lot discussion will be held at the end of each meeting, and the Commission will determine what to do about issues sent to the Parking Lot. Following this discussion, Billy Walton asked that the Commission consider discussing the differences between rules and policy during its Parking Lot review.

Chairperson Baker Jones asked the Child Care Commission for any additional "Parking Lot" items to be discussed in the future. These included: behavioral issues of children in the NC Pre-K program and assistance needed for teachers in handling these, eligibility for the NC Pre-K classroom, guidelines and restrictions about conversation among Child Care Commission members (Open Meeting Laws), consideration of changes to staff/child ratio requirements, items on the Environment Rating Scales not reflecting quality, and what separates policies from rules.

Commission Action: **Ms. Price moved to adjourn. Ms. Gilleland seconded. There being no further discussion, Ms. Baker Jones called for a vote. The motion carried unanimously.**

<p>There being no further business, the meeting was adjourned at 5:02 p.m.</p>

The next meeting of the North Carolina Child Care Commission is
scheduled for Monday, February 4, 2013.